

YBE 5512

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Attorneys for Defendants and Counterclaimant
 Yerba Buena Engineering & Construction, Inc., and
 Travelers Casualty and Surety Company of America

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, for the use)
 of AAA RESTAURANT FIRE CONTROL,)
 INC., doing business as AAA FIRE)
 PROTECTION SERVICES; and AAA)
 RESTAURANT FIRE CONTROL, INC.,)

Case No. CV 07 5912 WDB

Plaintiff,

**JOINT CASE MANAGEMENT
 CONFERENCE STATEMENT**

vs.

YERBA BUENA ENGINEERING &
 CONSTRUCTION, INC., a California
 corporation; TRAVELERS CASUALTY AND
 SURETY COMPANY OF AMERICA, a
 Connecticut corporation; and DOES 1 TO 100,
 inclusive,

CMC Hearing Date: August 5, 2008

Time: 4:00 p.m.

Defendants.

Courtroom: 4, Oakland

YERBA BUENA ENGINEERING &
 CONSTRUCTION, INC., a California
 corporation; and TRAVELERS CASUALTY
 AND SURETY COMPANY OF AMERICA,

Hon. Wayne D. Brazil, Presiding

Counterclaimants,

vs.

UNITED STATES OF AMERICA, for the use)
 of AAA RESTAURANT FIRE CONTROL,)
 INC., doing business as AAA FIRE)
 PROTECTION SERVICES; and AAA)
 RESTAURANT FIRE CONTROL, INC.)

Counterdefendant.

1 Defendants and counterclaimants Yerba Buena Engineering & Construction, Inc.
2 ("Yerba Buena") and Travelers Casualty and Surety Company of America ("Travelers"), and
3 plaintiff and counterdefendant AAA Restaurant Fire Control, Inc. submit this Joint Case
4 Management Conference Statement pursuant to Local Rule 16-9.

5 **Private Mediation**

6 During the last case management conference, the parties advised the Court that they had
7 agreed upon private mediation which would take place during the second week of July. The
8 parties have since, exchanged documents and conferred on a time schedule to conduct limited
9 discovery in preparation of mediation. To facilitate settlement, the parties have agreed that a
10 brief continuance of the mediation hearing would benefit the process by allowing the parties
11 adequate time to prepare for the mediation and participate in good faith. As such, the
12 mediation before Michael Timpaine has been reset to September 10, 2008.
13

14 **Request for Continuation of 8.5.08 Case Management Conference**

15 The mediation hearing date is September 10, 2008. The parties jointly request that the
16 Court continue the Case Management Conference currently set for August 5, 2008, for a period
17 of at least 60 days to allow the mediation to be completed and the parties to report the status of
18 the matter to the Court.
19

20
21 DATED: July 31, 2008

McINERNEY & DILLON, P.C.

22
23 By _____ /S/_____
24 Neil H. Bui
25 Attorneys for Defendants and Counterclaimant
26 Yerba Buena Engineering & Construction, Inc.,
27 and Travelers Casualty and Surety Company of
28 America

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2 DATED: August 4, 2008
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4 By _____/S/_____
5 Lawrence E. Smith
6 Attorneys for Plaintiff United States of America
7 for use of AAA Restaurant Fire Protection
8 Services, Inc.
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6 Travelers Casualty and Surety Company of America

7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA

9 UNITED STATES OF AMERICA, for the use)
of AAA RESTAURANT FIRE CONTROL,)
10 INC., doing business as AAA FIRE)
PROTECTION SERVICES; and AAA)
11 RESTAURANT FIRE CONTROL, INC.,)

12 Plaintiff,

13 vs.

14 YERBA BUENA ENGINEERING &
CONSTRUCTION, INC., a California
corporation; TRAVELERS CASUALTY AND
15 SURETY COMPANY OF AMERICA, a
Connecticut corporation; and DOES 1 TO 100,
16 inclusive,

17 Defendants.

18 YERBA BUENA ENGINEERING &
CONSTRUCTION, INC., a California
corporation; and TRAVELERS CASUALTY
19 AND SURETY COMPANY OF AMERICA,
20

21 Counterclaimants,

22 vs.

23 UNITED STATES OF AMERICA, for the use)
of AAA RESTAURANT FIRE CONTROL,)
INC., doing business as AAA FIRE)
24 PROTECTION SERVICES; and AAA)
RESTAURANT FIRE CONTROL, INC.)
25

26 Counterdefendant.

Case No. CV 07 5912 WDB

**[PROPOSED] ORDER CONTINUING
CASE MANAGEMENT CONFERENCE**

CMC Hearing Date: August 5, 2008

Time: 4:00 p.m.

Courtroom: 4, Oakland

Hon. Wayne D. Brazil, Presiding

1 Upon consideration of the submissions of the parties, the Court Orders:

2
3 1. The Case Management Conference set for August 5, 2008, is continued to
4 **October 8, 2008, at 2:30 p.m.** If the case settles through private mediation, the parties will
5 immediately advise the Court and no appearance will be required.

6
7 2. No later than October 9, 2008, at noon, the parties must file a Further Joint Case
8 Management Conference Statement suggesting a specific case development plan and schedule.

9 IT IS SO ORDERED.

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11 DATED: _____

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13 Honorable Wayne D. Brazil
14 United States District Judge
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